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LETTER DATED 30 MAY 1991 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey to you the agreement reached on 25 May 1991 between my Executive Delegate's Coordinator in Iraq, Mr. Bernt Bernander, and the Minister of State for Foreign Affairs of Iraq, Mr. Mohamed Said Al-Sahaf, regarding the deployment in Iraq of a United Nations Guard Contingent. That agreement constitutes an Annex to the Memorandum of Understanding signed on 18 April 1991 by my Executive Delegate and the Minister of Foreign Affairs of Iraq. For ease of reference, I am also enclosing a copy of the Memorandum of Understanding.

I should be grateful if you could bring this letter to the attention of the members of the Security Council.

(Signed) Javier PEREZ de CUELLAR

Enclosure

Memorandum of Understanding signed on 18 April 1991

This memorandum summarizes the results of discussions held in Baghdad between the Government of the Republic of Iraq, in the context of its request to the Secretary-General of the United Nations in relation to the suffering of the Iraqi population affected by recent events and Security Council resolution 688 of 5 April 1991, which has not been accepted by the Government of Iraq, and:

(a) From 13 to 18 April 1991, the United Nations Mission led by Mr. Eric Suy, Personal Representative of the United Nations Secretary-General, and

(b) From 16 to 18 April, the United Nations Inter-Agency Mission led by Prince Sadruddin Aga Khan, Executive Delegate of the United Nations Secretary-General for the United Nations Humanitarian Programme for Iraq, Kuwait and the Iraq/Iran and Iraq/Turkey Border Areas.

Both Missions have been welcomed by the Government of Iraq.

1. Both sides recognize the importance and urgency of adequate measures, including the provision of humanitarian assistance, to alleviate the suffering of the affected Iraqi civilian population.

2. The Government of the Republic of Iraq welcomes the United Nations efforts to promote the voluntary return home of Iraqi displaced persons and to take humanitarian measures to avert new flows of refugees and displaced persons from Iraq. It pledges its full support to and cooperation with the United Nations and its specialized agencies and programmes in this regard.

3. Both sides agree that the measures to be taken for the benefit of the displaced persons should be based primarily on their personal safety and the provision of humanitarian assistance and relief for their return and normalization of their lives in their places of origin.

4. For this purpose, the Government of the Republic of Iraq agrees to cooperate with the United Nations to have a humanitarian presence in Iraq, wherever such presence may be needed, and to facilitate it through the adoption of all necessary measures. This shall be ensured through the establishment of United Nations sub-offices and Humanitarian Centres (UNHUCs), in agreement and cooperation with the Government of Iraq.

5. Each Centre will be staffed by United Nations civilian personnel which, in addition to the regular staff members of the relevant United Nations agencies, may also include staff co-opted from the non-governmental organizations, the International Committee of the Red Cross and the League of Red Cross and Red Crescent Societies. The Red Crescent Society of Iraq shall

be called upon to play a role in the implementation of humanitarian assistance and relief projects.

6. UNHUCs shall facilitate the provision of humanitarian assistance to the needy and would include, inter alia, food aid, medical care, agricultural rehabilitation, shelter and any other humanitarian and relief measures geared to the speedy normalization of life, in conformity with the principles of this memorandum. UNHUCs shall also monitor the overall situation in this regard to advise the Iraqi authorities regarding measures needed to enhance their work.

7. Routes of return, with relay stations along the way as well as logistic back-up capabilities, will be set up urgently in cooperation with the Iraqi authorities to provide to civilians, particularly the women and children as well as the aged and the sick going back to their home areas, the food aid, shelter and basic health care they will need along the way. United Nations staff will accompany such groups, as required.

8. The United Nations shall take urgent measures, in cooperation with the Government of Iraq, for the early stationing of staff as well as the provision of assistance and relief in all designated centres and, as a matter of priority, those close to the Iraqi borders with its neighbouring countries. For this purpose, the United Nations may, in agreement and cooperation with the Government of Iraq, organize air lifts to the areas concerned, as required, as well as transportation by road of humanitarian assistance and relief goods from and through the neighbouring countries under United Nations or other humanitarian auspices. The Government of the Republic of Iraq shall adopt the necessary measures in order to render such aid in a speedy and effective manner.

9. United Nations humanitarian assistance and relief shall be provided simultaneously to the displaced persons, returnees as well as all other populations covered by the relief Programme in order to encourage a speedy normalization of life.

10. The basic framework for United Nations humanitarian action outlined above is intended to facilitate the task of coordination, effective implementation and monitoring of humanitarian assistance and relief operations. Further specifications are contained in the paragraphs which follow.

11. It is agreed that humanitarian assistance is impartial and that all civilians in need, wherever they are located, are entitled to receive it.

12. All Iraqi officials concerned, including the military, will facilitate the safe passage of emergency relief commodities throughout the country.

13. The Government will establish forthwith, together with the United Nations, a relief distribution and monitoring structure to permit access to all civilians covered by the relief Programme, as soon as possible.

14. A Coordinator, at the Assistant Secretary-General level, has been assigned to Baghdad to coordinate, under the Executive Delegate's direction, the implementation of the Humanitarian Relief Programme. He will have permanent access to a high-level government official responsible for emergency activities in the country, to discuss and resolve policy and operational issues that may arise during the implementation of the Programme.

15. The Government of Iraq shall cooperate in granting United Nations field staff access to the parts of the country requiring relief by air or road as needed, to facilitate the implementation and monitoring of the Programme.

16. Intergovernmental organizations, NGOs and other relief agencies will be encouraged to participate in the implementation of the Programme, in close cooperation with the United Nations and under clearly defined terms of association agreed with the Government.

17. The Government of Iraq will help in the prompt establishment of United Nations sub-offices in support of UNHUCs and other programmes in towns. These will be selected so as to facilitate the relief Programme when required, to encourage the voluntary return of, and to provide essential assistance to, internally and externally displaced, as well as to local populations covered by the Programme.

18. A United Nations radio communication system which is an indispensable instrument for the success of relief and rehabilitation activities will be set up. The system will cover communications requirements within Baghdad and other cities covered by the relief Programme and within and outside the country, as appropriate.

19. In order to facilitate implementation of, and resource mobilization for, the relief Programme, the Government will make available cash contributions in local currency to help cover in-country operational costs while pursuing discussions regarding the establishment of a special exchange rate for relief operations carried out by the agencies and organizations participating in the Programme.

20. The implementation of the above-mentioned principles shall be without prejudice to the sovereignty, territorial integrity, political independence, security and non-interference in the internal affairs of the Republic of Iraq.

21. The above-mentioned principles shall apply for a period ending on 31 December 1991. Two weeks before the expiration of the said period, the principles and their operational modalities shall be reviewed with a view to assessing any further need for their operation.

Done at Baghdad on 3 Shawal 1411 of the Hijri, corresponding to 18 April 1991 A.D.

FOR THE GOVERNMENT OF THE REPUBLIC OF IRAQ

(Signed) H.E. Ahmed HUSSEIN
Minister of Foreign Affairs
of the Government of the
Republic of Iraq

FOR THE UNITED NATIONS

(Signed) H.E. Sadruddin Aga KHAN
Executive Delegate of the
United Nations Secretary-General for
the United Nations Humanitarian
Programme for Iraq, Kuwait and the
Iraq/Iran and Iraq/Turkey Border Areas

Annex

1. Following the agreement in principle for the deployment of a United Nations Guards Contingent, discussions were held on 17 and 18 May 1991 to clarify the principal elements associated with the deployment of such guard units, within the framework of the existing Memorandum of Understanding, signed on 18 April 1991 in Baghdad by H.E. Mr. Ahmed Hussein, Minister of Foreign Affairs of the Republic of Iraq and Prince Sadruddin Aga Khan, Executive Delegate of the Secretary-General of the United Nations for the Humanitarian Programme for Iraq, Kuwait and the Iraq-Iran and Iraq-Turkey border areas.

2. As a first step, ten United Nations Guards have been dispatched to Dohuk, on 19 May 1991, in order to establish a United Nations presence at the sub-office and depots in the town. This unit also liaises with the transit camps in the Zakho plain, with a view to enabling the United Nations to assume control thereof. In addition, the unit collaborates with the local civilian administration which is stepping up the rehabilitation of services in the town. The Dohuk/Zakho-based unit of the Contingent will be built to a strength of 50-60 Guards as soon as possible.

3. In addition to transit camps in the Zakho plain, transit centres/zones (which can best be described as strengthened and enlarged humanitarian centres) will be established along communications routes in other areas of Iraq, wherever such presence may be needed, in agreement with the Government of Iraq. United Nations Guards will be assigned as needed to any transit centres, United Nations sub-offices and Humanitarian Centres (UNHUCs) which may be established by the United Nations in Iraq.

4. The number of Guards in the Contingent will be kept under review as further units are dispatched, but will not exceed a total strength of 500. In order to ensure their mobility, special arrangements will be made to import the required number of suitable vehicles. Arrangements will be made to ensure that United Nations-marked helicopter(s) will be allowed to land in Dohuk, Zakho and Mosul, as well as in the other areas, for the movement of United Nations personnel. Necessary arrangements will also be made to provide the Contingent with the required means of communication and the necessary logistical back-up.

5. The number of Guards assigned to the various regions will be decided in consultation with the Government authorities concerned, but would not exceed 150 in any one region. They will move freely, as their duties require, between humanitarian reception points, transit centres and relay stations, as well as sub-offices, using appropriate existing accommodation facilities in the provincial capitals, other towns and villages, or ad hoc field accommodation at transit centres.

6. United Nations Guards will be authorized to carry side-arms (pistols/revolvers), which will be provided by the Iraqi authorities (subject

to the approval of the United Nations with respect to make, model, calibre and munitions). While it is not anticipated that all Guards will be so armed, United Nations guidelines and practices will be followed in this regard.

7. The Iraqi authorities will appoint a Chief Liaison Officer to facilitate the Contingent's operations and a liaison officer at each centre to facilitate their work with the Iraqi authorities. The Iraqi authorities will grant appropriate facilities in Baghdad and elsewhere, including office space, maintenance and repair support, maps, etc.

8. This annex shall be an integral part of the Memorandum of Understanding signed on 18 April 1991. It shall be governed by the terms of that Memorandum; it shall be implemented in cooperation and coordination with the Iraq authorities and expire at the end of the period stated therein (31 December 1991).